

AN ORDINANCE

96625

AUTHORIZING PAYMENT TO MARATHON TITLE COMPANY IN THE AMOUNT OF \$1,309,950.00 AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 145.50 ACRE TRACT OF LAND SITUATED BETWEEN THE KYLE SEALE PARKWAY AND BABCOCK ROAD NORTH OF LOOP 1604 IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING ACCEPTANCE OF A 14.85 ACRE DONATION TRACT ALONG SALADO CREEK FOR THE SALADO CREEK GREENWAY SYSTEM UNDER THE AUSPICES OF THE PROPOSITION THREE CREEKWAY LINEAR PARKS PROJECT; AUTHORIZING PAYMENT OF \$13,095.00 TO THE BEXAR LAND TRUST FOR ITS SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE.

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WHEREAS, under Proposition 3 of the election held on May 6, 2000, the voters of San Antonio approved an increase in the sales tax to fund the purchase of new parkland in the Edwards Aquifer zones as well as linear parks along Leon Creek and Salado Creek; and

WHEREAS, the ordinance authorizing that election also created the Conservation Advisory Board (CAB) and the Scientific Evaluation Team (SET) to advise the City Council on purchases of property under the program; and

WHEREAS, the SET created a GIS model composed of forty-three (43) different layers of information that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County; and

WHEREAS, the CAB, using that model, has now identified a certain parcel of land for purchase and has voted on September 23, 2002 to recommend purchase of this parcel; and

WHEREAS, the Planning Commission reviewed this purchase on October 23, 2002 and recommended the purchase of this property; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The City Manager, or her designee, is hereby authorized to execute an assignment agreement with Bexar Land Trust, after review and approval by the City Attorney's office, accepting assignment of a Real Estate Purchase Contract, a copy of which is attached hereto as Attachment I, for the purchase of a certain 145.50 acres of land more or less, located in Bexar County Texas, more particularly described in Exhibit "A" to the Real Estate Purchase Contract for a purchase price of \$1,309,950.00.

Section 2. The City Manager, or her designee, is hereby authorized to execute any necessary documents to close said purchase.

Section 3. The City Manager, or her designee, is hereby authorized to accept on behalf of the City of San Antonio, and to execute any necessary documents to effectuate such acceptance, another 14.85 acres along Salado Creek, more particularly described in Attachment I.

Section 4. The amount of \$1,309,950.00 is to be encumbered in Fund 41-028002, Parks Development & Expansion, and is authorized to be made payable to Marathon Title Company, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.


Section 5. The budget in Fund 41-028095, Parks Development & Expansion, shall be revised by reducing Index Code 684837, entitled Unallocated Appropriations, in the amount of \$13,095.00.

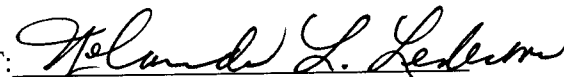
Section 6. The amount of \$13,095.00 is appropriated in Fund 41-028002, Parks Development & Expansion, in Index Code 685321, entitled Negotiation Fee, and is authorized to be encumbered and made payable to Bexar Land Trust, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

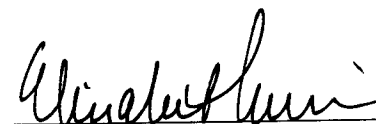
Section 7. The Director of Finance may correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance. Any payments authorized under this ordinance necessary to be paid through the closing process may be made payable to Marathon Title Company as escrow agent for the closing of this real estate purchase transaction.

Section 8. This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 24~~th~~ day of October, 2002


M A Y O R PRO TEM
EDWARD D. GARZA

ATTEST: 
ASSISTANT City Clerk

APPROVED AS TO FORM: 
City Attorney